

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

RIVERSIDE FARMS, LLC,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-06-1329-F
	)	
GENE GREER,	)	
	)	
Defendant.	)	

**ORDER**

Plaintiff's "Motion to Remand," filed December 20, 2006, is before the court. (Doc. no. 6.) Defendant has responded, although the response is confused and nearly incomprehensible. The motion is ready for determination.

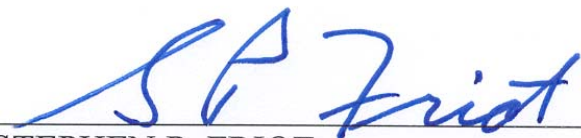
The removal statutes provide that if at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded. 28 U.S.C. § 1447(c). Defendant asserts federal question jurisdiction as the basis for this court's subject matter jurisdiction. No federal question appears on the face of the petition, however, and there is no contention (and there are no allegations to indicate) that the requirements of federal diversity jurisdiction are satisfied. The court finds and concludes that it does not have jurisdiction over this action and that this action should be remanded for this reason.

Title 28 U.S.C. § 1447(c) provides that an order of remand may require payment of just costs and any actual expenses, including attorneys' fees, which are incurred as a result of the removal. Plaintiff's motion requests an award of such costs and fees. The court finds that there was no objectively reasonable basis for the removal and grants plaintiff's request for an award of his qualified costs and expenses including attorneys' fees. In this regard, if plaintiff wishes to pursue a specific award

for his costs and fees, he is required to file, within ten business days of the date of this order, a bill of costs and a separate motion for attorneys' fees with the necessary supporting documentation, all in the usual manner. In the meantime, determination of any cost and fee matters shall not impede the state district court's proceedings in this action.

In conclusion, after careful consideration of the parties' submissions, the record, and the relevant authorities, plaintiff's "Motion to Remand" is **GRANTED**. This action is hereby **REMANDED** to the District Court for Oklahoma County, Oklahoma, the state court from which it was removed.

Dated this 10<sup>th</sup> day of January, 2007.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

06-1329p001(pub).wpd